

HISPANIC BAR ASSOCIATION

OF NEW JERSEY, INC.

P. O. BOX 756
NEWARK, NEW JERSEY 07102

October 26, 1981

Hon. Mark A. Sullivan
Chairman
[REDACTED]
[REDACTED]

Re: Supreme Court Committee on
Attorney Disciplinary Structure

Dear Justice Sullivan:

You have requested comments from interested persons regarding a suggested annual assessment to fund the expenses of operating the Attorney Disciplinary System. With all due recognition of the difficulties inherent in providing this service with limited and voluntary resources, it is a fact that the Hispanic Bar Association, as an organization composed in the main of recently admitted attorneys, views the aforementioned proposal as presenting an additional economic burden for the young practitioner. Without any information as to the Disciplinary Systems' actual funding needs, or the number of attorneys who are actually disciplined by the committee, a possible alternative could be that the attorney brought before the local disciplinary committee who is found to have violated our professional rules of conduct should be fined in order to fund the expenses of the committee. Presently, the practicing bar is underwriting the loss of the victims of these attorneys. I think the additional fee proposed by your committee should, in all equity, be born by those whose conduct is directly responsible for the loss.

We appreciate the opportunity to address the committee on this subject. If we can be of any further assistance, please advise.

Sincerely,

M. Echevarria

Margarita Echevarria
Past President
Hispanic Bar Association

Supreme Court Committee To Study N.J. Disciplinary System For Lawyers

Supreme Court Chief Justice Robert N. Wilentz has announced the appointment of a 10-member committee to study the operations and efficiency of New Jersey's disciplinary system for lawyers.

Known as the Supreme Court Committee on Attorney Disciplinary Structure, it will be chaired by retired Supreme Court Associate Justice Mark A. Sullivan.

Vice chairman of the committee will be Raymond R. Trombadore, partner with Trombadore and Trombadore of Somerville, treasurer or the New Jersey Bar Association and chairman of the State Bar Association's Committee on the American Bar Association's proposed Model Disciplinary Rules.

Other members of the committee include A. Arthur Davis, 3d, partner with Wharton, Stewart and Davis of Somerville, chairman of the Supreme Court's Disciplinary Review Board and past chairman of the Clients' Security Fund of the Bar of New Jersey; Alan I. Gould, vice president of the Cape May County Bar Association and vice chairman of the District I Ethics Committee (Atlantic, Cape May, Cumberland and Salem Counties); Frank L. Holstein, partner with

Orbe, Nugent and Collins of Ridgewood, chairman of the District II Fee Arbitration Committee (Bergen County) and former executive director of the State Commission on Investigation; Joseph B. Kennedy, Chief of the Division of Licensing, New Jersey Department of Insurance and a public member of the Supreme Court's Disciplinary Review Board; Bernard A. Kutner, partner with Kutner and Toner of Livingston and Newark, immediate past-president of the Essex County Bar Association and a member-designate of the District V Ethics Committee (Essex County); G. Robert Marcus, partner with Norris, McLaughlin and Marcus of Somerville, former chairman and secretary of the District VII Ethics Committee (Hunterdon, Mercer and Somerset Counties); Eilnor P. Mulligan, partner with Mulligan and Mulligan of Hackettstown, secretary of the District X Fee Arbitration Committee (Morris, Sussex and Warren Counties) and former secretary to the Warren County Ethics Committee; and Walter N. Read, partner with Archer, Greiner and Read of Haddonfield and Camden, past president of the New Jersey Bar Association.

Representation from the Administrative Office of the Courts will be provided by Assistant Directors Edwin H. Stern and Colette A. Coolbaugh.

"The Supreme Court is intensely interested and committed to the proper functioning of all aspects of our judicial system," said Chief Justice Wilentz, "and one of the most important court functions is the supervision of the State's practicing lawyers. This task has become more complex and difficult with the recent increase in the number of lawyers admitted to the bar. Therefore, we have determined that now is the time for both the Court and the organized bar to reassess the functioning of the ethics and fee dispute process."

Despite important strides made in the attorney disciplinary system in the last decade, the significant increase in the number of attorneys has at the same time increased the workload of the disciplinary committees.

Since 1969, bar membership has more than doubled from 10,348 to 21,748 in 1980. Based on admission rates over the last several years, New Jersey's attorney population may triple to over 30,000 by as early as 1987.

A District Ethics Committee and a Fee Arbitration Committee now operate in each of the 12 vicinages of court districts in the state. The committees consist of volunteer lawyers and public members appointed by the Supreme Court. Committee members receive and investigate all complaints in their districts of lawyer misconduct or excessive fees. The Division of Ethics and Professional Services, part of the Administrative Office of the Courts, supervises the operation of the ethics committees and provides them with prosecutorial, administrative and auditing assistance.

The state's disciplinary structure was last comprehensively reviewed 10 years ago by a special committee appointed by the Supreme Court.

Wilentz Pays Tribute To Gerofsky

The following is a statement from Chief Justice Robert N. Wilentz on the death of retired New Jersey Superior Court Judge Leon Gerofsky of Bedminster, who died Aug. 31, at Somerset Medical Center, Somerville: "Judge Leon Gerofsky served with great distinction as a judge from 1960 to 1975 when he retired upon reaching the age of 70. He served on the Superior Court from 1964 and was Assignment Judge in Middlesex County. Judge Gerofsky was considered an outstanding jurist and one of the finest gentlemen ever to sit on the bench of New Jersey. Everyone who knew him respected his integrity, demeanor and compassion. He will be greatly missed by his brother judges who had the highest respect for him as a jurist and a person."

Seidman To Be Honored

A testimonial retirement dinner will be held in honor of the Honorable Baruch S. Seidman on Wednesday, October 21, at the Pines Manor in Edison. Open bar will commence at 6 p.m. and dinner will be served at 7:30 p.m. Reservations (\$32) should be sent to either of the following: Jay J. Rice; Ravin, Davis & Sweet, 485 U.S. Highway 1 South, P.O. Box 219, Woodbridge 07095, or Michael P. Murphy; Shanley & Fisher, 550 Broad Street, Newark 07102. For further information contact Rice at (201) 750-1011 or Murphy at (201) 643-1220.

Announcement

Robert C. Lang, Jr., has become associated with the firm of Wharton, Stewart & Davis with offices at 50 West Main Street, Somerville 08876; (201) 725-1030, and 25 Claremont Road, Bernardsville 07924; (201) 766-3300.

DIGESTS IN THIS ISSUE

STATE CONSTITUTION — Student Public Interest Research Group of N.J. v. Byrne, Supreme Ct., p. 1.

SIDEWALKS — Stewart v. 104 Wallace St., Inc., Supreme Ct., p. 1.

TORT CLAIMS ACT — Morris v. Jersey City, App. Div., p. 1.

SEARCH AND SEIZURE — State v. Young, Supreme Ct., p. 6.

ESTOPPEL — PENSIONS — Miller v. Teachers' Pension and Annuity Fund Bd. of Trustees, App. Div., p. 9.

Announcement

The firm of Pollis, Pappas & Dillon has been dissolved. Phidias L. Pollis will continue to practice at 125 Broad Street, Suite 801, Elizabeth 07201; (201) 354-8332.

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NEW RULE AMENDMENTS

EFFECTIVE SEPTEMBER 14, 1981

Revised MOTION PRACTICE FORMS

(R.1:6-2)

- Pads 5045 — ORDER VACATING DEFAULT with checklist showing papers received by the Court (no provision for consent).
- Pads 5075 — NOTICE OF MOTION TO COMPEL ANSWERS TO INTERROGATORIES Amended to comply with R.1:6-2(c) by including a provision regarding efforts to settle the motion and setting forth the date of pretrial conference, calendar call or trial date, if any.
- Pads 5070 — ORDER AFTER MOTION with checklist showing papers received by the Court.
- Pads 5085 — ORDER ENLARGING TIME TO ANSWER INTER-

ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

OCT 19 1981

ROBERT D. LIPSCHER

ADMINISTRATIVE DIRECTOR OF THE COURTS



CN-037

TRENTON, NEW JERSEY 08625

October 16, 1981

Margarita Echevarria, Esq.
520 Broad Street
Newark, NJ 07101

Dear Ms. Echevarria:

Enclosed is a copy of a Notice to the Bar, which is presently being published in the New Jersey Law Journal, for comments from the Bar. The Supreme Court Committee on Attorney Disciplinary Structure is, of course, anxious for the views and comments of all segments of the organized Bar. Naturally, we are eager to be apprised of the thoughts of the New Jersey Hispanic Bar Association. I sincerely hope that you will have the opportunity to discuss this with your Board of Directors and respond to us. The next meeting of the Committee is scheduled for October 28, 1981. It would be helpful if we could have your comments for discussion at the meeting.

Thank you for your anticipated cooperation.

Very truly yours,

Colette A. Coolbaugh, Secretary
Supreme Court Committee on
Attorney Disciplinary Structure

CAC:PD
Enclosure

cc: Justice Mark A. Sullivan
Chairman, Supreme Court Committee
on Attorney Disciplinary Structure

The Supreme Court Committee on Attorney Disciplinary Structure is studying the operation of the present attorney disciplinary system in this State with a view towards improving the quality of performance. In this connection, the Committee will also give consideration to a suggestion that if the system is to really function on an efficient basis, it will be necessary for the Supreme Court to establish a method of funding the expenses of operating the disciplinary system at both the District Committee and Administrative Office levels through an annual assessment or fee charged to each attorney of this State, similar to the annual assessment made for the Clients Security Fund.

Comments and suggestions from interested persons with regard to the foregoing are invited and should be forwarded in writing to Hon. Mark A. Sullivan, Chairman, [REDACTED], or to the Division of Central Ethics and Professional Services in the Administrative Office of the Courts, CN037, State House Annex, Trenton, New Jersey 08625.

Mark A. Sullivan
Chairman

HISPANIC BAR ASSOCIATION
OF NEW JERSEY, INC.

P. O. BOX 756
NEWARK, NEW JERSEY 07102

September 16, 1981

Legalized Games of Chance
Control Commission
1100 Raymond Boulevard
Newark, New Jersey 071025287

Re: Hispanic Bar Association of
New Jersey, Inc.
P.O. Box 756
Newark, New Jersey 07102
EIN: 22-2327610

Dear Sir/Madam:

The purpose of this letter is to request an identification number so that the above referenced organization may conduct a single prize raffle at a dinner-dance planned for November 14, 1981 in East Brunswick, New Jersey. The objective of this raffle is to raise funds for a scholarship intended for law students.

We are a tax-exempt not for profit organization incorporated in the State of New Jersey. Enclosed you will find a copy of our Certificate of Incorporation as originally filed. Subsequent to the recording of this document, the organization changed its name to the Hispanic Bar Association of New Jersey. Additionally, the only income of this organization is derived from member dues paid annually. We cannot provide a financial summary of the scholarship fund at this time as the above planned activity will be the first income producing event for this fund. If you should need any further information, please advise. I may be reached at [REDACTED]

Thank you in advance for your prompt attention to this matter.

Sincerely yours,

M. Echevarria
Margarita Echevarria
President

ME:dma
Enclosure